REMARKS[1]

In the outstanding Office Action mailed October 19, 2007, the Examiner rejected claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2005/0086239 to Swann et al. ("Swann").

In this amendment, Applicants have amended claims 1, 2, and 17. Claims 1-22 remain pending.

Information Disclosure Statement

As an initial matter, Applicants respectfully request the Examiner to provide an initialed copy of the Information Disclosure Statement filed July 19, 2005, since it was not included in the Non-Final Office Action mailed October 19, 2007.

I.   Rejections Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1-22 under 35 U.S.C. § 102(e). In order to anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." *See* M.P.E.P. § 2131, (8th ed., 2001).

In this application, Applicant respectfully submits that Swann does not anticipate claims 1-22 because the reference fails to teach each and every limitation of the claims. For example, Swann fails to teach at least "dynamically creating an application

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[1] The Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

corresponding to a service element, if the application corresponding to the service element is not running in the distributed system," as recited in amended claim 1, "dynamically creating an application corresponding to each of a plurality of service elements," as recited in claim 11, and "a service provisioner that requests dynamic creation of an application corresponding to the service elements, if the application corresponding to the service elements is not running in the system," as recited in amended claim 17.

The Examiner alleges that Swann discloses "dynamically creating an application corresponding to each of a plurality of service elements" at ¶ 61 of the disclosure. Office Action at page 2. This is not correct.

Swann discloses that "[t]he application enables the system client to customize the software to suit their own specific requirements and those of their customers." Swann, ¶ 186. Swann further discloses that customization may include "flexible company hierarchy entity type definitions," "flexible asset type definitions," "flexible financial transaction type definitions," "flexible viewing/reporting capabilities," and "flexible look and feel." Swann, ¶¶ 187-191. For example, Swann discloses that "[t]emplates 108 are used to define or modify the data design 113 used by a particular application interfacing with or connect [sic] to the system 100." Swann, ¶ 61. However, nothing in Swann teaches or suggests the element of "dynamically creating an application corresponding to a service element, if the application corresponding to the service element is not running in the distributed system," as recited in amended claim 1, "dynamically creating an application corresponding to each of a plurality of service elements," as recited in claim 11, and "a service provisioner that requests dynamic

creation of an application corresponding to the service elements, if the application corresponding to the service elements is not running in the system," as recited in amended claim 17.

Accordingly, <u>Swann</u> cannot anticipate claims 1, 11, and 17. Thus claims 1, 11, and 17 are allowable for at least these reasons. Claims 2-10 are also allowable at least due to their dependence from claim 1, claims 12-16 are also allowable at least due to their dependence from claim 11, and claims 18-22 are also allowable at least due to their dependence from claim 17.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 18, 2008   By: _____
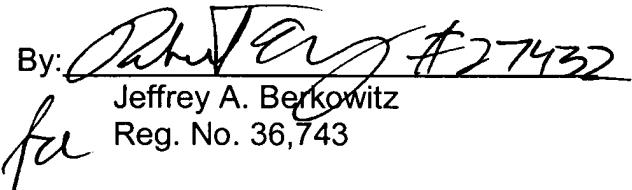
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Attachment: Information Disclosure Statement